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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,285	03/31/1999	DAVID FEINLEIB	MS1-288US	8387

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/282,285

Applicant(s)

FEINLEIB ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 01/08/1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Nevertheless, the examiner has been able to obtain copies of and considered the U.S patents. However, Applicant is advised to provide copies of publication for consideration as to the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

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being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 –6, 8-17, 20-22, 30-36, 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.(US 6,240,555).

Regarding claim 1, Shoff et al. discloses receiving data structure 48, which reads on the announcement being claimed, at the viewer-computing unit 62 (see figure 3 and col. 7, lines 1-8);

receiving the streaming content;

receiving the enhancing content according to the information contained in the “announcement” and at a time in synchronization with the streaming content; and

enhancing the streaming content with the enhancing content (see figures 6-8C).

Regarding claim 2, Shoff et al. discloses the announcement contains parameters selected from a group comprising: a broadcast locator, a time when the corresponding enhancement is to be sent, a protocol, an identity of the streaming content that the enhancement content enhances, and a page that contains a starting point for the enhancing content (see figure 4; col. 7, line 67-col. 8, line 3; col. 8, line 64- col. 10, line 17).

Regarding claim 3, Shoff et al. discloses the enhancing content comprises triggers and data files (see col. 13-14, table 2), the method comprising: receiving the data files; and the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (see col.9, line 41 – col. 10, line 17). Inherently, the triggers are received at times in synchronization with the streaming content; the triggers causing operations involving the data files in order to timely introduce the enhancing content with the streaming content.

Regarding claim 4, Shoff et al. discloses the enhancing content further comprising target resource (dependency files) that contain instructions to present content contained in the data files, the method further comprising the step of delivering the data files together with the dependency files in a "cabinet (CAB) files format (see col. 9, line 65 – col. 10, line 17).

Regarding claim 5, Shoff et al. discloses the receiving steps comprise the step of receiving the streaming content and the enhancing content in a composite stream of one source (see col. 10, lines 18-24 or figure 4).

Regarding claim 6, Shoff et al. discloses the receiving steps comprise receiving the streaming content from a first source and receiving enhancing content from a second source different from the first source (see figure 4 and col. 7, lines 51-55).

Regarding claim 8, Shoff et al. discloses a computer programmed having computer-executable instructions for performing the steps of the method as recited in claim 1 (see col. 19, line 1 – col. 20, line 13).

Regarding claim 9, Shoff et al. discloses a method for synchronizing streaming content with enhancing content comprising:
forming data structure 48 containing information specifying a first address (head end) and a time at which to receive upcoming triggers;
sending the announcements to computing unit (see col. 4, line 63-col. 5, line 60); Shoff further discloses when a view tunes to a particular channel, the channel navigator 102 controls the tuner 98 to tune to the channel. The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive. the presence of a target specification in the EPG data field 58 in association with the program is an indication that the program is interactive, if the data field is empty, the computing unit simply display the video data stream. If the program is interactive compatible, the viewer computing unit retrieves the target specification from the EPG data structure. The viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor. The digital data in the target resource defines a display layout prescribing how the supplemental content and the video program are to

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appear in relation to one another when display on the screen..... (see figures 6- 8C).

Inherently, the method comprising the steps of monitoring the computing unit to receive the announcements;

filtering the data structure to retain selected announcements;

monitoring the head end at the time specified in the selected announcements to receive the triggers; and

processing the triggers to coordinate presentation of the enhancing content with the streaming content.

Regarding claim 10, the elements of the method being claimed correspond to the elements of method being claimed in claim 2 and are analyzed as discussed in the rejection of claim 2.

Regarding claim 11, Shoff et al. discloses the processing step comprises the step of receiving the enhancing content according to a predetermined protocol and storing the enhancing content (see figures 6,7 and 9).

Regarding claim 12, Shoff et al. discloses the processing step of navigating within a container HTML page (see col. 12, line 48-col. 14, line 41).

Regarding claim 13, Shoff et al. discloses the processing step of invoking a script within a container HTML page (see col. 12, line 48-col. 14, line 41).

Regarding claim 14, Shoff et al. discloses the supplemental content can be automatically displayed in response to launching the Internet browser (see col. 3, lines 25-27). Inherently, the enhancing content and the triggers are sent together.

Regarding claim 15, Shoff et al. discloses delivering the streaming content, the enhancing content, and the triggers from a same source (see figure 2).

Regarding claim 16, Shoff et al. discloses delivering the enhancing content from a first source and delivering the streaming content and the triggers from a second source different from the first source (see figure 4).

Regarding claim 17, Shoff et al. discloses displaying the enhancing content together with the streaming content (see figures 8a-8c).

Regarding claim 20, Shoff et al. discloses a method of displaying streaming content (see figure 6)
monitoring an announcement address to receive announcements pertaining to enhancing content for enhancing the streaming content, the announcements containing information that specify a trigger address and times at which to receive upcoming triggers (see figures 3, 6,7);
filtering the announcements to retain selected announcements (see figures 3, 6,7);;

storing the selected announcements (see figure 9);
monitoring the trigger address at the time specified in the selected announcements to receive corresponding triggers; and processing the triggers to cause receiving one or more data files having the enhancing content (see figures 3, 6,7);

Regarding claim 21, Shoff et al. discloses caching the data files (see figure 9).

Regarding claim 22, Shoff et al. discloses presenting the streaming content and enhancing content using an HTML page (see col. 12, line 48-col. 14, line 41).

Regarding claim 30, Shoff et al. discloses a system for synchronizing streaming content with enhancing content, comprising:

the head end 22 reads on the server being claimed;

the viewer computing unit 62 reads on the client being claimed (see figure 4).

Regarding claim 31, the elements of the system being claimed correspond to the elements of the method being claimed in claim 2 and are analyzed as discussed in the rejection of claim 2).

Regarding claim 32, Shoff et al. discloses the client receives the enhancing content according to a predetermined protocol and caches the enhancing content (see figures 5 and 9).

Regarding claim 33, the elements of the system being claimed correspond to the elements of the method being claimed in claim 12 and are analyzed as discussed in the rejection of claim 12).

Regarding claim 34, the elements of the system being claimed correspond to the elements of the method being claimed in claim 13 and are analyzed as discussed in the rejection of claim 13).

Regarding claim 35, the elements of the system being claimed correspond to the elements of the method being claimed in claim 15 and are analyzed as discussed in the rejection of claim 15).

Regarding claim 36, the elements of the system being claimed correspond to the elements of the method being claimed in claim 16 and are analyzed as discussed in the rejection of claim 16).

Regarding to claim 38, Shoff discloses receiving data structure from the head end, the data structure contains information of the upcoming enhancing content and streaming content as well as the IP address (see figure 3). When the viewer tunes to a particular channel, the viewer computing unit consults the EPG to determine if the present program is interactive. If it is, the viewer computing-unit launches an interactive

support module, such as an Internet browser. This browser is kept in memory and is dynamically loadable for execution on the processor when the viewer tunes to a channel carrying a video content program that the EPG identifies as interactive. the supplemental content can be automatically displayed in response to launching the Internet browser. the target resource contains enhancing supplemental content and display layout instruction prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed on the television (see col. 3, lines 14-52). Inherently, the system comprising: a video software control to play video content; a listener to monitor an announcement IP address to receive announcements pertaining to enhancing content for enhancing the video content, the announcements containing information that specify a trigger IP address and times at which to receive upcoming triggers and the listener further monitoring the trigger IP address at the times specified by the announcements to receive corresponding triggers; and a rendering component to present the video content and to enhance the video content with the enhancing content according to instruction received in the triggers.

Regarding claim 39, Shoff et al. further discloses storage for hold the announcements in correlation with the identity of the video content (see figure 5).

Regarding claim 40, Shoff et al. further discloses storage for hold the announcements in correlation with the identity of the video content (see figure 5).

4. Claim 43 is rejected under 35 U.S.C. 102(e) as being anticipated by Straub et al.(US 6,091,411).

Regarding claim 43, Straub et al discloses the user selects one of the hypertext pages from the list control 192, to cause the selected page to be displayed in the content area 190 (see col. 14, lines 41-60) and displaying the items in the ticker pane 106, wherein the ticker pane 106 is implemented as active -x control ("msticker.ocx") that is embedded in the hypertext page from which the display 100 is generated by the Web View shell component 58 (see col. 13, lines 18-40). Inherently, the client software architecture comprising a first code segment for monitoring a multicast IP address to receive triggers, each trigger containing at least one item for a ticker; and a second code segment for rendering the ticker with the items received via the triggers.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 18, 23-24, 26-29, 37, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555), and in view of Straub et al. (US 6,091,411).

Regarding claim 7, Shoff et al. discloses the supplemental content is synchronized with the program using open loop control, such as a start time followed by measurable ticks or by frame count (see col. 7, line 67-col. 8, line 3). However, Shoff et al. does not explicitly disclose the enhancing content displays as a ticker.

Straub et al. discloses the displaying enhancing content in ticker panel 106 (see col. 4, lines 25-27 and col. 13, lines 17-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to display enhancing content as a ticker as taught by Straub et al. in order to allow viewer to view or select enhancing content from the ticker.

Regarding claim 18, Straub et al. discloses when the theme channel is selected, the graphical user interface retrieves and plays multi-media resources from the theme provider server (see col. 4, lines 30-36). Inherently, the triggers that contain items for the ticker is delivered from the server; Straub et al. further discloses displaying the ticker together with the streaming content; and presenting the items from the triggers within the ticker (see figure 5).

Regarding claim 23, Straub et al. discloses the theme provider provides the periodically updating theme as a service to the user of the computer 20.... and the theme switcher 82 provides a user interface in which the user of the computer 20 can select a desired one of the themes installed at the computer 20 for enhancing the graphical user interface 60 (see col. 7, lines 16-67 and figures 2-3). Inherently, the method comprises steps of using information from the trigger to invoke a script; and executing the script to enhance the streaming content.

Regarding claim 24, the elements being claimed correspond to the elements being claimed in claim 18 and are analyzed as discussed with respect to the rejection of claim 18.

Regarding claim 26, Straub et al. discloses the graphical user interface may play multi-media resources in a scrolling ticker display, a sequential or slide show style display, or other display. The theme channel is associated with a theme provider on the computer network. When the theme channel is selected, the graphical user interface retrieves and plays multi-media resources from the theme provider server (see col. 4, lines 21-36). Inherently, the IP address is monitored to receive triggers, each trigger containing at least one item for a ticker; the items are formed as an array and displayed within the ticker.

Regarding claim 27, Shoff et al. discloses receiving announcements at another IP address, the announcements being used to announce upcoming transmission of the triggers (see figure 4).

Regarding claim 28, the elements being claimed is directed toward embody the method of claims 20 and 26 in a "computer readable media". It would have been obvious to one of ordinary skill in the art at the time the invention was made to embody the procedure of Shoff et al. in view of Straub et al. as discussed in claims 20 and 26 in "computer readable media" in order that the instruction could be automatically performed by a processor.

Regarding claim 29, the elements being claimed is directed toward embody the method of claim 26 in a "computer readable media". It would have been obvious to one of ordinary skill in the art at the time the invention was made to embody the procedure of Shoff in view of Straub et al. as discussed with respect to claim 26 "computer readable media" in order that the instruction could be automatically performed by a processor.

Regarding claim 37, Straub et al. discloses the triggers contain items for a ticker and the client displays the ticker together with the streaming content (see figure 5).

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Regarding claim 41, Straub discloses the "listener" and video control are contained within an HTML page rendered by the rendering component (see figures 3-5 and 7).

Regarding claim 42, Straub et al. discloses data flow for periodically updating them within software architecture 80 of the computer 20 (see figure 3). Inherently, the HTML page has one or more scripts to process the instruction contained in the triggers.

7. Claims 19, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) as applied to claims 9, 20 above respectively.

Regarding claims 19 and 25, the elements being claimed is directed toward embody the method of claims 9 and 20 respectively in a "computer readable media". It would have been obvious to one of ordinary skill in the art at the time the invention was made to embody the procedure of Shoff discussed with respect to claim 9 and 20 in "computer readable media" in order that the instruction could be automatically performed by a processor.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Greer et al. (US 5,978,828) discloses apparatus and method of providing notification of a content change of a web page.

Brim (US 5,835,914) discloses method for preserving and reusing software objects associated with web pages.

Throckmorton et al. (US 5,818,841) discloses a system supplying information associated with a broadcast television program.

Dillon (US 5,727,065) discloses an electronic document delivery system and method in which a broadcast center periodically sends announcement message to the receiving computer (see figure 5).


Zdepski et al. (US 6,006,256) discloses the remote control network inserts a trigger within the vertical blank interval of the signal. The trigger contains command information to control the loading and/or playing of a designated interactive program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
May 28, 2002


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